## HINDU RELIGIOUS ENDOWMENTS BILL.

Mr. Nagam Aiya.—I have already given notice of a few amendments. I will proceed with them in the order of the sections.

*Section 3, Clause (b).*

Mr. Nagam Aiya.—I beg to propose that, in line 12, the words "or charitable Hindu" be omitted and the word "Hindu" inserted between "any" and "religious". This is merely a verbal amendment intended to secure uniformity of expression.

Seconded by Mr. Govinda Pillai.

Carried.

*Section 4, I.*

Mr. Nagam Aiya.—I beg to propose that clause (*a*) of this section be recast as follows:—

"(*a*) On the application and at the request of a majority consisting of not less than two-thirds of the trustees, or of the donors in cases where the donors have reserved to themselves the power of appointing and dismissing trustees;"

and that the following Explanation be added at the end of Clause I:—

"*Explanation to* (*a*).—The word 'donors' includes the legal representatives of the donors."

The object of this amendment is to make it clear that the application for assumption should proceed from the donors in cases in which they have reserved to themselves the right of appointing and dismissing trustees, and may, in other cases, be made by the trustees themselves; and also that, for the purpose of this clause, the legal representatives of the donors shall be included in the term 'donors'. The wording of the clause, as it stands, does not explicitly convey this meaning. Hence the amendment.

Seconded by Mr. Kuruvila.

Carried.

*Section 5.*

Mr. Nagam Aiya.—In line 4, I beg to propose that the words "referred to in" be substituted for "falling under." This is also a verbal amendment and is intended to make the wording precise, consistently with the wording in clause II of section 4.

Seconded by Mr. Rajaram Row.

Carried.

*Section 6.*

Mr. Nagam Aiya.—I beg to propose:

(*a*) that, in line 1, the words "exercising superintendence" be substituted for "interfering";

(*b*) that, in lines 12 to 18, the words "be satisfied that the assumption of management or other interference is necessary in the interests of the endowment, he shall pass such orders as may seem proper in the circumstances of each case and with special reference to the nature of the endowment" be changed into "be satisfied that a condition precedent as set forth in section 4 exists, he may pass such order for assumption or superintendence as enabled by that section."

(*c*) that, in line 29, the words "of the management" be inserted between "Sirkar" and "of".

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These amendments also seek to make the wording precise, and do not, therefore, call for any special remarks.

Seconded by Mr. Govinda Pillai.

Carried.

*Section 8.*

Mr. Nagam Aiya.—I beg to propose that, in line 1, the word "superintendence" be substituted for "supervision" and the words "referred to in" for "falling under" in lines 2 and 3. These amendments are also verbal and are consequential on the amendments already carried.

Seconded by Mr. Rajaram Row.

Carried.

*Section 11.*

Mr. Nagam Aiya.—I beg to propose that, in line 3, the words "or superintendence" be added after "management". As section 4 provides both for assumption of management and for superintendence, it is but fair that the power to restore the institutions to owners or trustees, which this section provides for, should be made applicable to both classes of cases.

Seconded by Mr. Govinda Pillai.

Carried.

*Section 15.*

Mr. Nagam Aiya.—I beg to propose that, in line 6, the words "the definition in section 3" be substituted for "this Regulation."

This again is a verbal amendment for the sake of precision.

Seconded by Mr. Kuruvila.

Carried.

Mr. Nagam Aiya.—It has been suggested that the arrangement of the sections be altered so as to bring, in logical order, the powers conferred by the Regulation in regard to calling for accounts, assumption and superintendence. I think this will be an improvement and beg, therefore, to propose that the sections be re-numbered as follows:—

| | | | | |
|---|---|---|---|---|
| Section | 1 | to remain as | section | 1 |
| ,, | 2 | ,, | ,, | 2 |
| ,, | 3 | ,, | ,, | 3 |
| ,, | 4 | to be | ,, | 5 |
| ,, | 5 | ,, | ,, | 9 |
| ,, | 6 | to remain as | ,, | 6 |
| ,, | 7 | to be | ,, | 8 |
| ,, | 8 | ,, | ,, | 10 |
| ,, | 9 | ,, | ,, | 11 |
| ,, | 10 | ,, | ,, | 12 |
| ,, | 11 | ,, | ,, | 13 |
| ,, | 12 | ,, | ,, | 14 |
| ,, | 13 | ,, | ,, | 7 |
| ,, | 14 | ,, | ,, | 15 |
| ,, | 15 | ,, | ,, | 4 |
| ,, | 16 | to remain as | ,, | 16 |
| ,, | 17 | ,, | ,, | 17 |
| ,, | 18 | ,, | ,, | 18 |
| ,, | 19 | ,, | ,, | 19; |

the references in the body of the sections to be also re-numbered accordingly.

Seconded by Mr. Rajaram Row.

Carried.

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Mr. Nagam Aiya.—I wish, Sir, with your permission, to offer the Council at this stage of the final consideration of the Bill, my best thanks for their steady support and sympathy during its unusually prolonged course of incubation.

I will address only a few words of comfort and counsel to the simple-minded Namboori Ooralers in the country, upon whose fears the opponents of the measure seem to have worked with an assiduity worthy of a better cause. I wish to assure these ooralers once more that Government feel the greatest solicitude for their welfare, that this is not a measure of fiscal policy but one of pure benevolence, that no confiscation of private rights is intended, that only public trusts are dealt with, that it is the bounden duty of the State and the ancient prerogative of the Sovereign to look to and control the management of religious trusts, that legislation is now resorted to only in pursuance of this long-existing usage of the country, that no innovation is attempted, that no honest trustees need fear, that no action will be taken in a light-hearted manner or in a vein of despotism, that a careful preliminary investigation is provided to prevent hasty or injudicious interference, that Government is not in a hurry to add to its burdens by assuming religious endowments on some pretext or other, that our action is to *supplement* the trustees not to *supplant* them, that a provision is put into the law to help the ooralers for collecting the rents due to the endowments showing our genuine interest in the welfare of these endowments, that in certain cases power is taken to entrust the management of these endowments to Committees composed of officials and non-officials thus allowing the public to participate in their administration, that even where such management is *assumed* Government will restore the same to ooraler-trustees on being satisfied of their capacity and willingness to protect the trust-interests, that no sympathy is due from any right-minded person to those trustees or servants who wish to defeat the benevolent intentions of the original donors, that, in one word, the whole course of this legislation is framed in a spirit of sympathy and conciliation to the Ooralers of Travancore—scores of whom are personally known to me as friends, and for whom I have entertained the sincerest regard and esteem based on intimate acquaintance with their feelings and wishes, since I moved amongst them as a young official more than 30 years ago. This instalment of legislative help should be warmly welcomed by them as a real boon for, otherwise, the amelioration of temple trusts which we all so much desire and which undoubtedly should be their aim is impossible under present circumstances. Finally, I beg to assure them that Government propose to apply the measure with the greatest care and caution so as in no way to jeopardize the true interests of the endowments intended to be brought under the law. I wish also to remind the ooralers that His Highness' officers who will work the law are, like themselves, subjects of His Highness equally interested in the welfare of the endowments under their charge, and cannot, therefore, have any interests as opposed to theirs.

To the opponents of the measure, to whom also our thanks are due for their having helped to draw better attention to the subject, I have only to point out that they are quite mistaken if any of them still believe that the Bill has been severely narrowed in its scope. For the Bill, in its present form, still continues to be a potent agent for remedying the ills we had in view. I must emphatically tell them that the original objects of the Bill have all been attained; that what we have adopted is a comprehensive instalment of legislation sufficient to protect all the valuable Hindu religious endowments in the country; that while the provision to *assume* management in all cases of misappropriation, malfeasance, misfeasance and gross negligence has been given up, power has been taken instead to exercise such *superintendence* over the endowments as to secure the same object without causing the unpleasantness incidental to assumption, and I have myself repeatedly informed the Council that assumption is not our object, but only the prosperity of the trusts and the well-being of the beneficiaries. That the superintendence provided will be effective will be clear from the fact that power is taken to *dismiss* wicked trustees when such an extreme step becomes necessary. Further, secular charities have been excluded from the Bill—not as the result of any opposition to it, but in order to bring in a separate Regulation including charities of *all religionists* on the lines of the British Indian Act, VI of 1890. Power has also been taken to call for inventories of jewels and vessels and other temple properties, and to secure them against malversation or misappropriation; to call for and scrutinize periodical state-

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ments of accounts, and to go into every necessary detail of administration regarding these endowments. Thus, our critics will see that the further decay and deterioration of temple properties in the State is effectually arrested, entitling us to the compliment paid by my distinguished friend, Mr. Rao Bahadur C. Jambulingam Mudaliar M. L., C. I. E., in his letter of the 24th October last. He writes:—"I was very happy to read in the papers that the Bill over which you spent so much labour and time has been approved by the Madras Government. It is an achievement for which one can feel legitimate pride and satisfaction. It will no doubt be very beneficial in the province where it will operate. I value it more for its indirect effects in that it sets an example to other Governments in India and especially to the British Indian Government.....All the great reforms in the early days of British administration were helped and effected with a considerable amount of Government support, and wise and timely legislation. Some such incentive to progress seems necessary to Indian people and it is refreshing to see that enlightened Native Governments such as Travancore, Mysore and Baroda now and then demonstrate how such matters could be appropriately dealt with. I wish your Act to run a long and useful career."

Already a sense of responsibility has, I hear, come over the managers of several important temples in the country. This surely is a healthy sign of the times, fore-shadowing the influence of the coming legislation. If this is true, as I am assured it is, let it be never so small, I should say that the best part of our labours in this behalf has been amply rewarded; for in my humble opinion, the maintenance and perpetuation of these valuable endowments is an achievement of which those associated with this Bill may justly feel proud to their latest day.

With these remarks, I beg to propose that the Bill as amended be passed and that it come into force on the 1st Makarom 1079.

The motion was put and agreed to.

President.—I wish to make a few observations in connection with the two important Bills finally passed to-day *viz.*, the Hindu Religious Endowments Bill and the Press Bill, with a view to remove any misapprehension that may exist in the minds of those who are likely to be affected by their provisions.

His Highness' Government have not the slightest intention of using the powers conferred on the executive except on very strict proof that State interference is an absolute necessity. The real object of these measures is to induce those who come within their scope to discharge their duties in the manner expected of them by their intelligent, level-headed and disinterested countrymen and neighbours. If the trustees of the religious endowments work with half the spirit that animated their pious founders, and if journalists edit their papers on the exemplary lines on which the "Madras Mail" is conducted, the co-ercive and penal provisions of these two enactments will be a dead letter. The Movers of these Bills (Messrs. Nagam Aiya and Rajaram Row) are veteran officers of this State and they yield to none in their knowledge of the needs of the country and in their solicitude for the protection of individual rights and liberty. The great body of adverse criticism evoked by these measures, especially the Religious Endowments Bill, naturally led, as rightly observed by Mr. Nagam Aiya, to the closest scrutiny in the Select Committee and in Council of their provisions in all their details and to the introduction of several important amendments to safe-guard the interests of the parties likely to be affected. A careful study of these Bills as now passed, will convince unbiassed critics that the Council has spared no pains to protect private rights as much as possible. I sincerely wish that those who come within the scope of these measures will so conduct themselves as to give no occasion for the executive to use their powers.

## LUNACY BILL.

Mr. Govinda Pillai.—I beg to move that the Report of the Select Committee on this Bill be taken into consideration.

Seconded by Mr. Dharmaraja Iyer.

The motion was put and agreed to.

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